

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT**

EARL SULLIVAN, # 156184,
Plaintiff(s),

CASE NO.: 2-05-CV-74919-DT

vs.

GEORGE PRAMSTALLER, M.D., et. al.,
Defendant(s).

HON. DENISE PAGE HOOD
MAG. JUDGE STEVEN D. PEPE

/

**ORDER DENYING PLAINTIFF'S MOTIONS FOR APPOINTMENT OF COUNSEL
(DKT. # 52) AND FOR DISCOVERY (DKT. #55) AND GRANTING DEFENDANTS'
MOTION FOR PROTECTIVE ORDER (DKT. #54)**

Plaintiff, who was an inmate at the Mound Correctional Facility at the time of the alleged claims in this matter, brings this action under 42 U.S.C. §1983. Plaintiff alleges violation of his 8th Amendment Rights and states that he was denied access to competent medical care and that the Defendants were deliberately indifferent to his medical needs.

In support of the request for counsel Plaintiff states that counsel should be appointed because of the complex nature of this matter and his inability to afford counsel, limited knowledge of the law and limited access to the law library.

Given the limited number of *pro bono* attorney available to assist inmate litigants, except in rather exceptional cases, it is the practice of this Court to consider the appointment of counsel in prisoner civil rights cases only after a motion to dismiss or for summary judgment has been decided. Defendants' motion for reconsideration regarding the denial of their motion for dismissal is currently pending. Therefore, Plaintiff's motion for appointment of counsel is DENIED without prejudice and may be refiled based on the outcome of the motion for reconsideration.

Further, pending the outcome of the motion for reconsideration, Defendants' motion for a protective order staying discovery is GRANTED. Therefore, Plaintiff's motion for discovery is DENIED. Should Defendants' motion for reconsideration be denied as to any defendant, discovery shall deemed lifted as of the date of the order denying the motion and Plaintiff's outstanding discovery request(s) shall be deemed served as of that date.

SO ORDERED.

Dated: April 19, 2007
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

Certificate of Service

I hereby certify that on April 19, 2007, I electronically filed the foregoing order with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Christine M. Campbell, Esq., Kimberley A. Koester, Esq., and I further certify that I mailed by United States Postal Service the paper to the following non-ECF participant: Earl Sullivan-El #156184, Chippewa Correctional Facility (URF), 4269 W. M-80, Kincheloe, MI 49784.

s/James P. Peltier
James P. Peltier
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